

## Message Text

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INFO AMEMBASSY CARACAS  
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C O N F I D E N T I A L SAN JOSE 2216

E.O. 11652: GDS  
TAGS: PGOV, PINT, CS  
SUBJ: VESCO CASE - WILL HE RETURN?

SUMMARY: AN EXECUTIVE-JUDICIAL CONFRONTATION LOOMS SHOULD VESCO RETURN TO COSTA RICA. THE LOCAL COURTS SAY VESCO IS OBLIGED TO RETURN TO FACE TRIAL AND VESCO SAYS HE WILL. THE CARAZO GOVERNMENT, CITING ITS EXECUTIVE POWER AND THE LAW, SAYS VESCO IS AN UNDESIRABLE ALIEN AND WILL BE DENIED RE-ENTRY. END SUMMARY

1. THE LATEST LEGAL PHASE OF THE VESCO CASE HERE INVOLVES THE QUESTION OF HIS POSSIBLE RETURN TO COSTA RICA TO FACE CHARGES IN AN ONGOING COURT CASE FOR ALLEGED IOS-RELATED SECURITIES FRAUD. VESCO'S LAWYERS HAVE ANNOUNCED THAT VESCO PLANS TO COMPLY WITH THE COURT ORDER TO RETURN BY 10 JULY, THE END OF THE 75 DAY PERMISSION PERIOD. HOWEVER, ON 9 MAY THE CARAZO CABINET, IN ITS FIRST DECISION, DECLARED ITS "DETERMINATION" THAT VESCO REMAIN OUTSIDE COSTA RICAN BORDERS. GOCR OFFICIALS HAVE CITED POWERS OF THE EXECUTIVE TO DENY ENTRANCE TO UNDESIRABLE FOREIGNERS AS JUSTIFICATION FOR THIS DECISION. SOME JUDICIARY FIGURES, HOWEVER, SEE IN THE EXECUTIVE'S DECISION AN INTROMISSION INTO THE AFFAIRS OF THE JUDICIAL  
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BRANCH. AMONG LATTER IS THE JUDGE WHO GAVE VESCO PERMISSION TO LEAVE. THE LINES HAVE THUS BEEN DRAWN, AND THE MATTER REDUCED BY MANY TO AN EXECUTIVE-JUDICIAL CONSTITUTIONAL ISSUE.

2. THE LOCAL LAWYER CONTRACTED BY US ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK TO ADVISE IN VESCO MATTERS HAS VOLUNTEERED TO EMBASSY HIS PRELIMINARY OPINION ON THE QUESTION. (THE LAWYER

HAS BEGUN A SPECIAL STUDY OF LATEST DEVELOPMENTS AT THE REQUEST OF US ATTORNEY ROBERT FISKE.) LAWYER SAYS THAT JUDICIARY ERRED IN PERMITTING VESCO TO LEAVE, BUT THAT EXECUTIVE WOULD ALSO BE IN ERROR IN NOT PERMITTING VESCO TO RETURN FOR TRIAL. LAWYER OPINED THAT THE LEGAL NICETIES NOTWITHSTANDING, CARAZO WILL HOLD FAST AND DENY VESCO ENTRY INTO COSTA RICA. LAWYER SAID THAT NO COURT CAN STOP CARAZO FROM DOING THIS; THE COSTA RICAN JUDICIARY HAS NO ENFORCEMENT RECOURSE OTHER THAN EXECUTIVE. LAWYER DID NOTE; HOWEVER, THAT IF VESCO MANAGES TO GET BACK INTO THE COUNTRY WITHOUT GOCR KNOWLEDGE, EXPULSION WHILE JUDICIAL PROCEEDING IS STILL IN PROCESS WOULD BE DIFFICULT.

3. IN SEPARATE DEVELOPMENT, VICE MINISTER OF INTERIOR HAS TOLD EMBOFF THT GOVERNMENT'S OBJECTIVE IS TO PREVENT VESCO FROM RE-ENTERING COSTA RICA AND TURNING HIMSELF OVER TO JUDICIAL AUTHORITIES. HENCESTHEIR CONCERN THAT VESCO NOT RETURN TO COSTA RICA CLANDESTINELY (SAN JOSE 2180). VICE MIN VOLUNTEERED THAT VESCO'S PRIVATE AIRSTRIPE AT HIS RACMH HAS BEEN CLOSED, AND REITERATED THAT ORDER IS OUT AT ALL AIRPORTS, BORDER CROSSINGS, AND PORTS NOT TO PERMIT HIM ENTRY. VICE MIN ALSO NOTED POINTEDLY THAT PRESIDENT CARAZO AND MINISTER OF INTERIOR ECHEVERRIA HAVE DETERMINED THAT IF VESCO DOES MAKE IT BACK TO COSTA RICA, HE WILL BE EXPELLED FORTHWITH TO THE US. LA NACION, CITING HIGH GOCR OFFICIALS, CARRIED A SIMILAR STORY 20 MAY.

4. COMMENT: IF VESCO REALLY WANTS TO RETURN TO COSTEHRICA WITHOUT CONFIDENTIAL

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GOVERNMENT KNOWLEDGE, HE WILL. IF VESCO DOES, THOUGH, THE BETTING HERE IS THAT CARAZO WOULD EXPEL HIM.  
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